

## Providing employee benefits to certain non-municipal firefighters

SB 1433 by Madla (Rodriguez)

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**DIGEST:** SB 1433 would have expanded a civil service system to firefighters employed by emergency service districts with populations of 30,000 or more and departments created by interlocal agreements between two or more political subdivisions. These firefighters would have been entitled to the same benefits as municipal firefighters under a municipal civil service system, including provisions governing payroll deductions, longevity and classification pay, comprehensive benefits, and working conditions.

**GOVERNOR'S  
REASON FOR  
VETO:**

“Senate Bill No. 1433 would mandate emergency service districts serving populations of 30,000 or more to provide the same civil service system to their firefighters that cities provide municipal firefighters. Civil service system benefits – including longevity and classification pay – would increase the cost to these districts, and voters would have no ability to vote on the civil service system provided by this bill. Because emergency service districts are more limited in their ability to raise revenue than cities, the districts would face difficulty meeting the increased costs associated with a civil service system.

“Furthermore, the bill would require districts that drop below the 30,000 population threshold to continue the civil service system, even though they would have a lower tax base to fund the system. The appeal and grievance procedures required by the bill may result in legal and administrative costs beyond the district’s capability to manage, thus negatively impacting their operation, and that is a concern expressed by emergency service districts about this bill.

“It is my intent to work with Emergency Service Districts so that in the 80th legislative session we can provide employment protections for our firefighters while also resolving how to address entities whose populations may drop below the 30,000 threshold.”

**RESPONSE:** Sen. Frank Madla, the bill’s author, had no comment on the veto.

Rep. Eddie Rodriguez, the House sponsor, said: “I respectfully disagree with Gov. Perry’s veto of SB 1433. SB 1433 was a step forward to bring firefighters employed by emergency service districts (ESDs) with benefits similar to those enjoyed by municipal firefighters. SB 1433 excluded smaller ESDs which may not provide the benefits, and volunteer ESDs – including those operating under a contract.

“The intent of SB 1433 was to simply bring comparable benefits to ESD firefighters who do the same job as municipal firefighters.

“Furthermore, the governor states the following in the veto proclamation:

The appeal and grievance procedures required by the bill may result in legal and administrative costs beyond the district’s capability to manage, thus negatively impacting their operation, and that is a concern expressed by emergency service districts about this bill.

“SB 1433 provides for an appeal to a hearing examiner, which is comparable to an arbitrator, thus the costs will not be as great as the expense of employees appealing to State District Court. Arbitration is a fraction of the cost of court, and the appealing firefighter pays 100 percent of the arbitrator’s fees. Although there may be more appeals, the district’s attorney fees would be reduced, and unlike district court, an arbitrator cannot award attorney fees against the district if the firefighter wins the decision.

“While I am disappointed in the veto of SB 1433, I applaud the governor for his goal to provide employment protections for our ESD firefighters in the next legislative session. I am committed to working with him to accomplish that during the 80th legislative session.”

NOTES: SB 1433 was analyzed in Part Two of the May 23 *Daily Floor Report*.